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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,988	06/10/2002	Jonathan Sharp	367.41543X00	4158

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

PHU, SANH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/089,988	SHARP, JONATHAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sanh D Phu	2682	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The IDS filed 4/5/2002 and 5/19/2004 have been considered and recorded in the file.

### *Claim Rejections – 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19, 20, 23–25, 28–30, 35–36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushion et al (WO 99/23800).

Regarding to claim 19, Cushion et al disclose a communication device (10,12) comprises a body (10) and an attached cover (12) having an aperture (30), wherein the device has a closed configuration in which portions of the body are covered (see Fig. 4) and an open configuration in which at least some

of the portions covered in the closed configuration are uncovered (see Fig. 3),  
the body comprising:

a receiver which receives data via radio transmissions (see page 6, lines  
15-16);

a display (24) operative independently of whether the cover is in the  
closed or open configuration and positioned such that in the open  
configuration the display is uncovered and positioned such that in the closed  
configuration the aperture is substantially aligned with the display so that at  
least a portion of the display is visible to a user through the aperture (see Fig. 3  
and 4, page 6, lines 32-36); and

the display (24) to show received data as text, wherein when the device is  
in the closed configuration the processor provides the received text to the user  
as text which streams through the visible portion of the display (page 6, line 14  
to page 7, line 3).

He does not specifically disclose a processor in the device, however, the  
examiner take Official Notice that a processor in the portable/mobile phone is  
known in the art. It would have been obvious for one skilled in the art at the

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time of the invention was made to have said processor in Cushion et al, so that the device is able to receive and display the messages properly.

Regarding to claim 20, Cushion et al disclose a device wherein the text is provided as a single line of text which streams across the visible portion (see Fig. 1 and 3).

Regarding to claims 23 and 25, Cushion et al disclose a device wherein the format in which the text is displayed is static (see Fig. 1), stream (using a cross-switch (34) to scroll text message UP and DOWN) and occupies multiple lines (see Fig. 1 and 3).

Regarding to claim 24, claim 24 is rejected with the similar reason as set forth in claim 23.

Regarding to claim 28, Cushion et al disclose a device wherein the cover is a flip cover, which rotates about a hinge (14, 16) when moved between the first and second configurations (see Fig. 1 and 2).

Regarding to claim 29, Cushion et al does not specifically disclose the portions of the body covered in the closed configuration and exposed in the

open configuration include those portions of the display, which are not the visible portions of the display.

However, Cushion et al disclose a device wherein the portions of the body (10) covered in the closed configuration and exposed in the open configuration (30) include those portions of the display (24), which are the visible portions of the display (see Fig. 1 and 3).

It would have been obvious matter of design choice to modify the open configuration or viewing window (30) which can make the portion of display is invisible, since such a modification would have been involved a mere change in the size/shape of a component. A change in size/shape is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237.

Regarding to claim 30, Cushion et al disclose a device comprising a user input (20, 34) wherein the portions of the body covered in the closed configuration and exposed in the open configuration include a user input means (34) (see Fig. 3).

Regarding to claim 35, Cushion et al disclose a device is portable (see Fig. 4).

Regarding to claim 36, Cushion et al disclose a device functions as a radiotelephone (a transceiver transmits/receives voice and/or data signals, see page 6, line 16 and Fig. 2).

4. Claims 21, 22, 26, 27, 31-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushion et al (WO 99/23800) in view of Azartash et al (WO 99/21343).

Regarding to claim 21, Cushion et al does not disclose the movement of the cover from the open position to the closed position to continue to display the text but to change the format in which the text is displayed.

Azartash et al disclose the movement of the cover from the open position to the closed position to continue to display the text but to change the format in which the text is displayed (from opened to closed position, the text format will be magnified with the order of 1.5 to 2.5) (see page 3, lines 27-28).

It would have been obvious for one skilled in the art to modify the viewing window with magnifying lens, as taught by Azartash et al, so that the user can see better.

Regarding to claim 22, claim 22 is rejected with the similar reason as set forth in claim 21.

Regarding to claims 26 and 27, Cushion et al does not specifically disclose the cover is opaque and transparent material.

Azartash et al disclose a device wherein the cover is opaque and covered by protective transparent material (see page 3, lines 29–30).

It would have been obvious for one skilled in the art to implement the material, as taught by Azartash et al, so that the user can see clear.

Regarding to claims 31 and 32, Cushion et al disclose device wherein the received data is a text message (see Fig. 1 and 3).

He does not disclose caller ID or information concerning incoming call.

Azartash et al disclose information concerning an unanswered incoming call (caller ID, see page 4, line 34).

It would have been obvious for one skilled in the art to implement the alerting/paging to the user, as taught by Azartash et al, in order to alert the user before receiving the data so that the user can decide to accept/reject the cal.



Regarding to claims 33 and 34, Cushion et al disclose a device comprising a button (34), which has a function to activate the receiving text data.

He does not specifically disclose alerting the user to receive the text data.

Azartash et al disclose that alerting (paging or caller ID) the user to receive the data, the user can see any paging information appearing in the display (34) via window (44), the cover (36) does not have to be flipped open to obtain such information. When a call is to be answered, the user simply flips open the cover (36) to activate the phone (see page 4, lines 33–37).

It would have been obvious for one skilled in the art to implement the alerting/paging to the user, as taught by Azartash et al, in order to alert the user before receiving the data so that the user can decide to accept/reject the call or seeing the message.

Regarding to claim 37, Cushion et al does not disclose a device is a palm device with an input user interface without an alphanumeric/numeric keypad.

Azartash et al disclose a device, which is sized, to fit within the palm of a hand and have an input user interface without an alphanumeric/numeric keypad (see page 1, lines 36–37).

It would have been obvious for one skilled in the art to implement a mobile phone to fit within the palm, as taught by Azartash et al, so that the user can be able to put it into the pocket.

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305–8635. The examiner can normally be reached on 8:00–16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872–9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703–305–8635.

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Sanh D. Phu  
Examiner  
Art Unit 2682

SP

  
**LEE NGUYEN**  
**PRIMARY EXAMINER**